



# UNITED STATES PATENT AND TRADEMARK OFFICE

*mh*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,859	01/30/2004	Makoto Misawa	1341.1179	3921

21171 7590 02/21/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
----------	--------------

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/766,859

Applicant(s)

MISAWA, MAKOTO

Examiner

Andrea N. Long

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/30/2004 02/08/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-9 have been examined in response to application filed 01/30/2004.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed and placed of record in the file.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 5 reference character 121. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2176

***Claim Objections***

3. Claim 5 is objected to because of the following informalities: Currently the wording of claim 5 is not grammatically correct. Suggestions for correcting the claim to allow for clear readability include:

*The object display device according to claim 1, wherein the appearance changing unit changes the appearance of the first object into semi-transparent, when the visibility determining unit determines that the first object hides the second object.*

*or*

*The object display device according to claim 1, wherein the appearance changing unit, when the visibility determining unit determines that the first object hides the second object, changes the appearance of the first object into semi-transparent.*

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2176

**5. Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Emmanuel Bagnas (US Patent 5,805,163), hereinafter "Bagnas".**

**As to independent claims 1, 8, and 9** Bagnas discloses an *object display device, method and computer program product comprising:*

*a visibility determining unit that determines whether a first object to be handled on a screen hides a second object that has been displayed on the screen (column 2 lines 11-14, column 3 lines 49-55, column 4 lines 53-56). Bagnas teaches this limitation by displaying a first window with a second window overlapping the first window. He further teaches logic that discloses determining corresponding grid of pixels of the monitor with the overlapping grid of pixels; and*

*an appearance changing unit that changes, depending on determination by the visibility determining unit, appearance of the first object so that the second object becomes visible (column 2 lines 15-16, column 3 lines 55-57 and 66 through column 4 line 1). Bagnas teaches this limitation with the second window that is hiding the first window being transparent, so that information within the first window is visible.*

**As to dependent claim 4,** Bagnas teaches *wherein the visibility determining unit determines whether the first object hides the second object, based on a position of the first object and the second object (column 2 lines 15-16 → taught as the overlapping of one window over another).*

**As to dependent claim 5**, Bagnas teaches *wherein the appearance changing unit changes, when the visibility determining unit determines that the first object hides the second object, the appearance of the first object into semi-transparent (Fig. 6A → this taught by overlapping winding still having its visual attributes displayed while allowing the window that it overlaps to be viewed).*

**As to dependent claim 6**, Bagnas teaches *wherein the second object includes a plurality of existing objects (Fig. 6A), and the appearance changing unit alters transparency of the first object depending on a state of overlapping of the existing objects (column 5 lines 6-11 → taught as the selected pixels will determine the way in which the window will be viewed).*

**As to dependent claim 7**, Bagnas teaches *wherein the appearance changing unit alters transparency of the first object depending on color of the second object (column 4 lines 16-30, column 5 lines 6-34 → taught as the color of the pixel in the window being overlapped will effect the transparency of the overlapping window).*

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bagnas.**

**As to dependent claims 2 and 3**, note the discussion above, Bagnas teaches a *first object* (window). However, Bagnas does not explicitly teach a *first object being added in the screen or moved on the screen*. Bagnas does imply however that it is well known in the art to have windows moved within an environment and to be opened (launched), which is equivalent to added to a display within an environment (column 1 lines 30-47).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have incurred that the window hiding other windows would be one that was added or moved on the screen which conforms to normal procedures and operations of modifying, opening, and closing windows in most computer environments.

### **Conclusion**

**8.** The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
02/13/2007

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**